

Staff Summary Report



To: Mayor and City Council
Through: City Manager

Agenda Item Number 18
Meeting Date: 07/26/01

SUBJECT: BRUEGGER'S BAGELS #SIP-2001.55

PREPARED BY: DeeDee (D²) Kimbrell, Planner II (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

q-j

BRIEF: This is the first public hearing for Bruegger's Bagels for a use permit for a change of business ownership at 1038 South Mill Avenue.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Hold the first public hearing for **BUEGGER'S BAGELS** (Kenneth Piper, property owner) for a use permit for a change of ownership located at 1038 South Mill Avenue. The following approval is requested from the City of Tempe:

#SIP-2001.55 Use permit for a 2,686 s.f. bagel bakery/restaurant.

Condition of Approval:

#3. Use permit for bagel/bakery business in non-transferable and is issued to the current owner's/operators of Bruegger's Bagel's only. Should the business be transferred, the new owner(s) must reprocess to the Council for separate approval prior to such transfer.

Document Name: 20010726devsrh06

Supporting Documents: Yes

SUMMARY: On August 29, 1996 City Council approved a use permit for Bruegger's Bagels. That approval included a condition that the use permit is non-transferable. This request is for a change of business ownership only and no changes are proposed on the current business operation. Staff supports this request with conditions. To date, no public input has been received.

RECOMMENDATION: Staff – Approval
Public – None to Date

ATTACHMENTS:

1. List of Attachments
 2. History & Facts / Description
 3. Comments / Reasons for Approval/Conditions of Approval
-
- A. Location Map
 - B. Site Plan
 - C. Floor Plan

HISTORY & FACTS:

<u>February 16, 1977.</u>	Design Review Board approved building elevations, site and landscape plans for a commercial building on this site.
<u>June 27, 1977.</u>	Board of Adjustment approved a Use Permit for Merritt's Deli, subject to conditions.
<u>August 21, 1996.</u>	Design Review Board approved the building modifications, site plan, landscape plan and signage, subject to conditions.
<u>August 29, 1996.</u>	City Council approved the request by Bruegger's Bagel Bakery for a use permit and variances for a bagel bakery/restaurant consisting of 2,686 s.f.

DESCRIPTION: Owner – Kenneth Piper
 Applicant – Lynette Dollen
 Zoning – CCD
 Site Area – .44 net acres
 Building Area – 2,686 s.f.

COMMENTS: On August 29, 1996 City Council approved a use permit for Bruegger's Bagels. That approval included condition #3, which stated, the use permit is non-transferable and any new owner must reprocess to the Council for separate approval prior to such transfer.

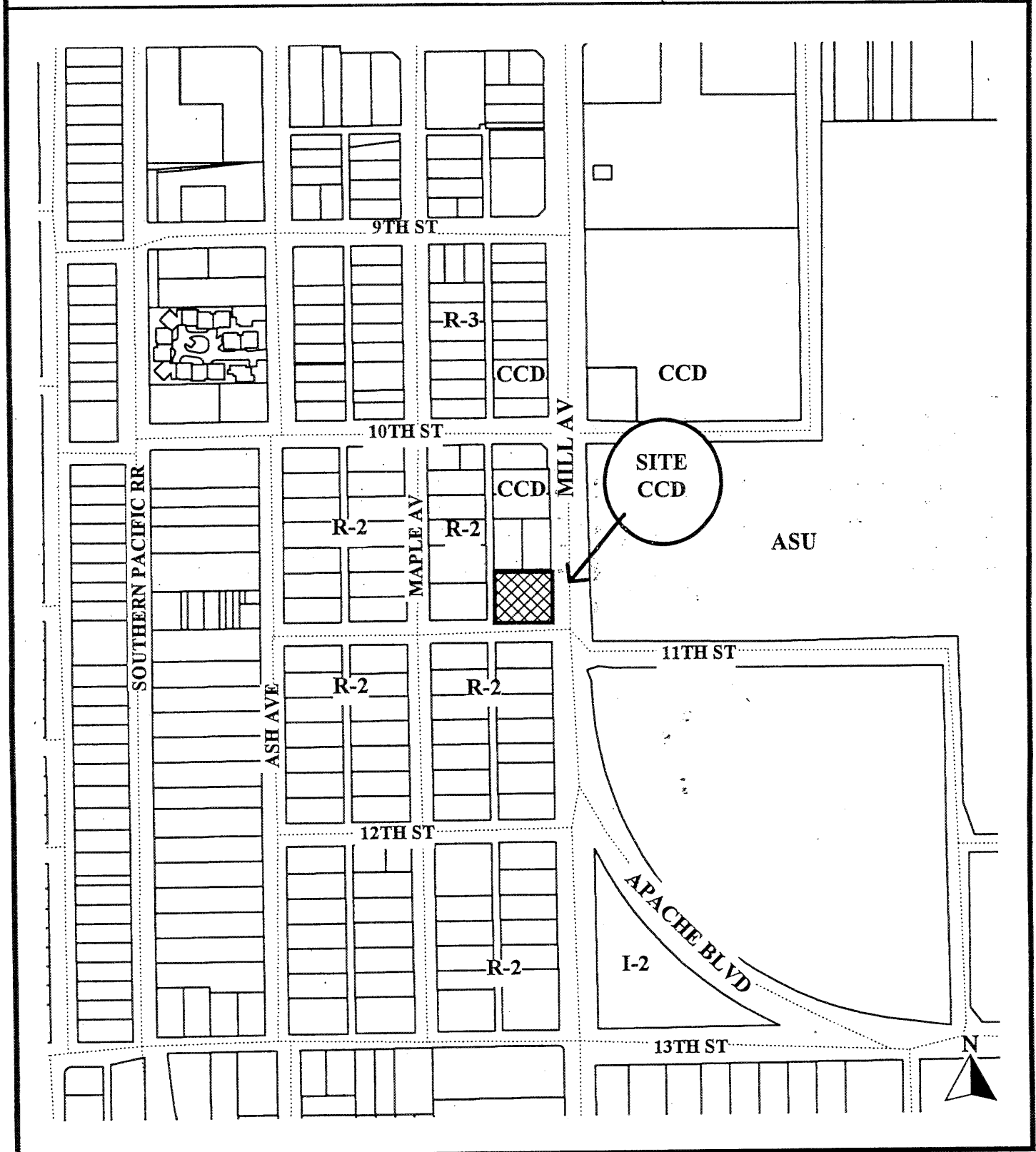
This request is for a change of business ownership only and no changes are proposed on the current business operation. Staff supports this request subject to the attached conditions. To date, no public input has been received.

**REASON(S) FOR
APPROVAL:**

1. The intention of the new business owner is to continue operating the bagel bakery and restaurant as the previous owner.
2. The business ownership change should not be detrimental to adjacent property owners.

**CONDITION(S)
OF APPROVAL:**

1. Use permit for bagel/bakery business in non-transferable and is issued to the current owner's/operators (**Lynette Dollen and Colleen McQuillan**) of Bruegger's Bagel's only. Should the business be transferred, the new owner(s) must reprocess to the Council for separate approval prior to such transfer.
2. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
3. No outside dining shall be allowed on the premises unless permitted in writing by the City after appropriate public hearing and approvals.
4. No entertainment will be allowed unless permitted in writing by the City after the appropriate public hearing and approvals.
5. No outdoor speakers are allowed on the building.
6. Any significant verifiable police complaints (as determined by the City Attorney and Police Department) shall require the applicant to return to the City Council for re-evaluation of the use permit.
7. Business hours shall be restricted to 6:00 a.m. to 7:00 p.m. as outlined in the previous approval.
8. Any deliveries for the bakery /restaurant shall be made from the on-site parking lot, not Mill Avenue, 11th Street or adjacent residential alley to the west.

BRUEGGER'S BAGELS
SIP.2001.55

Location Map


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LEGAL DISCUSSION

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ARCHITECT

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BRUEGGER'S BAGELS

0038 SOUTH MILL AVENUE
TEMPE, ARIZONA 85281

PROJECT NO.	030698
PROJECT FILE	BBB\030698\030698.d
DATE	JUNE 11, 2001
PLOT SCALE	240
REVISIONS	▽ EAT 10/1/01

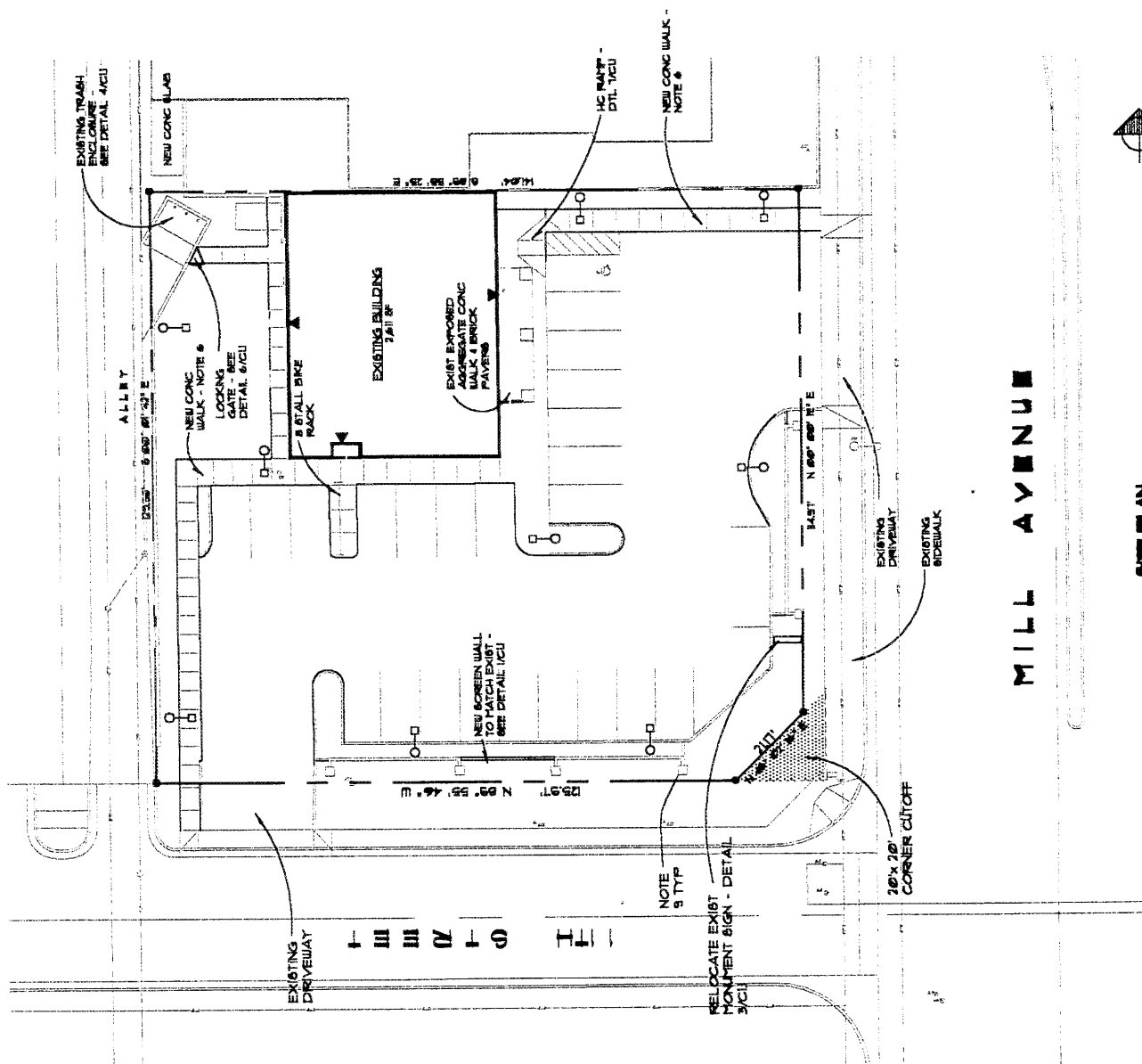
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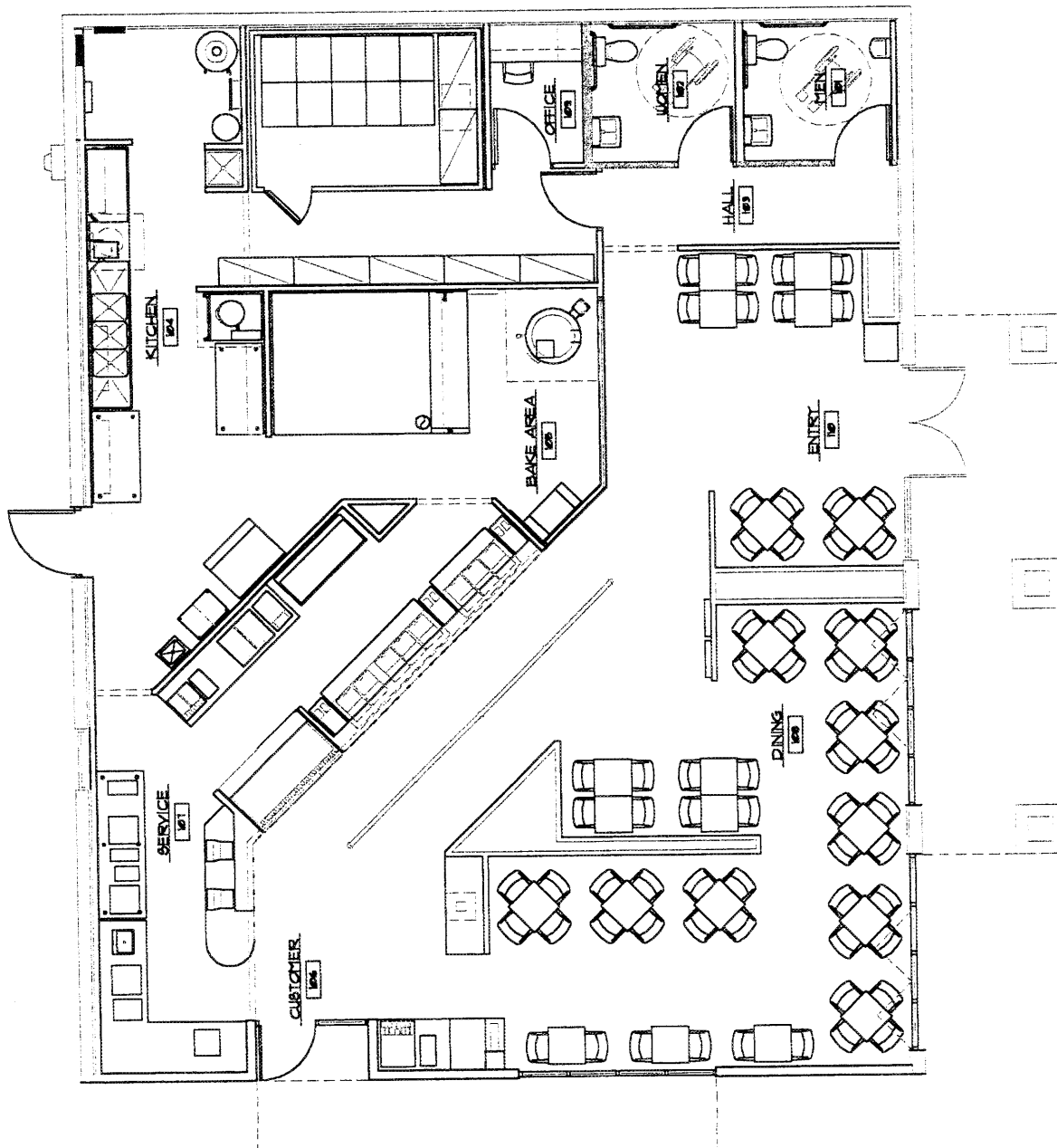
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NOTES



EQUIPMENT PLAN

SIP. 2001.55 JUN 13 2001

A2.1

REGISTRATION

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PROJECT

BRUEGGER'S BAGELS

1038 SOUTH MILL AVENUE
TEMPE, ARIZONA 85281

PROJECT NO. 030090
PROJECT FILE RIBB\030090\030090-21
DATE JUNE 11, 2001
PLOT SCALE 1/8" = 1'-0"
REVISIONS
V 01 06/11/01
V 02 06/11/01

SHEET

EQUIPMENT PLAN